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REGULATORY AUTH.
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October 18, 2000
EXECUTIVE SECRETARY

VIA HAND DELIVERY

Mr. David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

Re: *Complaint of Lexus of Nashville against BellSouth
Telecommunications, Inc.*
Docket No. 00-00814

Dear Mr. Waddell:

Please accept this letter in response to the September 5, 2000 complaint letter of Lexus of Nashville ("Lexus").

Although the Lexus letter repeatedly refers to CSAs, Lexus of Nashville had never entered into a CSA with BellSouth. Instead, Lexus entered into a tariffed term agreement as specified in BellSouth's General Subscriber Services Tariff.¹ Lexus had been enjoying the benefits of the lower rates under this tariffed term plan for more than two years when it received an offer for services from NEXTLINK. Significantly, the NEXTLINK offer quoted rates for month-to-month service as well as rates for a one-year, two-year and three-year term commitment. Lexus indicated to BellSouth that it was considering signing a three-year term commitment with NEXTLINK and asked about the termination charge that would apply if it terminated its tariffed term plan with BellSouth. BellSouth advised Lexus that the tariffed termination charge would be \$19,627.

¹ In light of the CPNI provisions of 47 U.S.C. §222, BellSouth has not specified the specific tariff section that applies to the services Lexus has ordered.

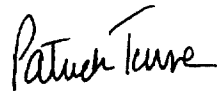
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Mr. David Waddell, Executive Secretary
October 18, 2000
Page 2

Lexus then filed its letter with the TRA which, as noted before, erroneously characterizes the tariffed term plan Lexus signed as a CSA.² Shortly after the letter was filed, NEXTLINK announced that it would begin operating as XO Communications, Inc. Lexus has advised BellSouth that XO then sent a letter withdrawing the NEXTLINK offer that Lexus had been considering. Lexus has indicated to BellSouth that it is no longer interested in terminating the tariffed term plan -- in fact, Lexus has signed agreements with BellSouth for expanded service. Lexus has also advised BellSouth that it intends to withdraw the informal complaint letter that it filed with the TRA.

BellSouth, therefore, believes that this matter is resolved. If it is not, however, BellSouth reserves the right to more fully address Lexus' allegations and to avail itself of all appropriate substantive and procedural rights and remedies.

Sincerely,



Patrick W. Turner

PWT/jem

² It is surprising that this customer -- whose letter suggests a rather detailed knowledge of termination charges, the rulemaking proceedings, and CSAs in general -- mistakenly referred to its tariffed term plan as a CSA.

CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2000, a copy of the foregoing document was served on the parties of record, via the method indicated:

- ☐ Hand
- ☒ Mail
- ☒ Facsimile
- ☐ Overnight

Mr. Christopher Warner
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Patricia Ture